IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2706 OF 2006

Ashokkumar Hukumchand Bhatia. ...Petitioner.
Vs.
Anil Hukumchand Bhatia. ...Respondent.
....
Mr. S. P. Dubey for the Petitioner.
Mr. Sandeep Shur for the Respondent.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

June 21, 2006.

P.C.

The Petitioner and the Respondent are brothers. The finding of fact recorded by the Appellate Bench of the Court of Small Causes in para 12 of the judgment is that there is absolutely no evidence to show that the Defendant was a licensee of the Plaintiff for consideration. Even before this Court, Counsel appearing on behalf of the Petitioner has not been able to draw the attention of the Court to any evidence reflecting the payment of licence fees. In that view of the matter, and in view of the settled position of law, the Court of Small Causes clearly had no jurisdiction. However, the judgment of the Court of Small Causes shall, it is clarified, not come in the way of the Petitioner taking recourse to such proceedings as are otherwise available in law in

the Court of competent jurisdiction. The Petition is dismissed.

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